

Jamie D. Hanawalt (SBN 309934)
jhanawalt@aldridgepite.com
Gilbert R. Yabes (SBN 267388)
gyabes@aldridgepite.com
ALDRIDGE PITE, LLP
4375 Jutland Drive, Suite 200
P.O. Box 17933
San Diego, CA 92177-0933
Telephone: (858) 750-7600
Facsimile: (619) 590-1385

Attorneys for CIT BANK, N.A.

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA - SAN FERNANDO VALLEY DIVISION

In re

ROBERT BENJAMIN SAUTTER,

Debtor(s).

Case No. 1:17-bk-12566-MB

Chapter 7

**STIPULATION RE: VOLUNTARY
DISMISSAL OF MOTION FOR
RELIEF FROM AUTOMATIC STAY
[DOCKET NO. 31]**

DATE: February 28, 2018

TIME: 10:00 AM

CTRM: 303

21041 Burbank Boulevard Woodland Hills,
CA 91367

This Stipulation to Dismiss Motion for Relief from the Automatic Stay ("Stipulation") is entered into by and between the Chapter 7 Trustee, David Seror ("Chapter 7 Trustee") and its counsel of record and CIT Bank, N.A. ("Movant"), by and through its attorneys of record, Aldridge Pite, LLP.

Whereas on September 25, 2017, Debtor commenced the instant case by filing a voluntary petition under chapter 13 of the Bankruptcy Code in the U.S. Bankruptcy Court for the Central District of California.

Whereas, on December 7, 2017, Movant filed a Motion for Relief from the Automatic Stay (“Motion”) with respect to the real property located at 3859 Sherwood Place, Sherman Oaks, California 91423 (the “Property”) which appears at Docket No. 31.

Whereas, on December 20, 2017, the Chapter 7 Trustee filed an Opposition to Debtor’s Motion.

Whereas, on January 3, 2018, a hearing was held on Movant’s Motion whereat Movant requested and the Court granted a continuance of the hearing to February 28, 2018.

Whereas, the Court did not grant Movant relief from the automatic stay imposed under 11 U.S.C. 362(a) at the January 3, 2018 hearing.

NOW THEREFORE, it is hereby stipulated by and between the parties that the Motion shall be dismissed without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure, made applicable to this proceeding by Rules 7041 and 9014 of the Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rule 9013-1(k), and that the *status quo ante* shall prevail.

IT IS SO STIPULATED:

Dated: January 19, 2018

BRUTZKUS GUBNER



REAGAN E. BOYCE
Attorney for David Seror, Chapter 7 Trustee

Dated: January 29, 2018

ALDRIDGE PITE, LLP

/s/ Gilbert R. Yabes (SBN 267388)
GILBERT R. YABES
Attorneys for CIT BANK, N.A

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
4375 Jutland Drive, Suite 200 P.O. Box 17933 San Diego, CA 92177-0933

A true and correct copy of the foregoing document entitled (*specify*): NOTICE OF VOLUNTARY DISMISSAL OF MOTION FOR RELIEF FROM AUTOMATIC STAY will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) January 29, 2018, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

U.S. TRUSTEE:

ustpregion16.wh.ecf@usdoj.gov

ATTORNEY FOR DEBTOR:

Kevin T. Simon
kevin@srhlawfirm.com

TRUSTEE:

David Seror (TR)
mtzeng@brutzkugubner.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) January 29, 2018, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

PRESIDING JUDGE:

Honorable Martin R. Barash
21041 Burbank Boulevard
Suite 342 / Courtroom 303
Woodland Hills, CA 91367

DEBTOR:

Robert Benjamin Sautter
5711 Reseda Blvd
Tarzana, CA 91356

BORROWER:

Misue Sautter
3859 Sherwood Place
Sherman Oaks, CA 91423

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 29, 2018 Wendy Rodriguez
Date *Printed Name*

/s/ WENDY RODRIGUEZ
Signature